

REMARKS

Claims 1-23 are pending in the application.

Claims 1-14, 17, 18, and 21-23 were rejected by the Examiner.

Claims 15, 16, 19, and 20 were objected to by the Examiner.

Claims 1, 2, 13, 14, and 21 have been amended.

Reconsideration and allowanced of claims 1-23 as amended is respectfully requested.

Specification:

The specification was objected to by the Examiner for informalities. Appropriate correction has been made, according to the suggestion given by the Examiner, and no new matter has been added.

Claim Objections:

Claims 1, 2, 13, 14, and 21 were objected to because of informalities. Appropriate correction has been made to these claims by the above amendments to eliminate the informalities noted by the Examiner.

Claims 1-4, 21, and 22 were rejected under 35 U.S.C. § 102(e) as being anticipated by Helm, US Patent Publication No. 20050047396, ("Helm"). Applicant respectfully requests reconsideration and withdrawal of this rejection for the following reasons.

Applicant's invention relates to changing the length of a play-out buffer when a system switches from audio mode (use to transmit voice) to Voice Band Data mode (used to transmit data). With applicant's invention, when a system switches from audio mode to Voice Band Data (VBD) mode, the play-out buffer is set to a value equal to the value of the buffer in audio mode plus a dilation factor.

Applicant's invention is applicable when a gateway is switching from Audio mode to VDB mode. Claims 1, 2, 13 and 14 (which are the only independent claims in this application) have been amended to recite in the body of the claim switching from audio mode to VBD mode. The language about switching was previously in the header of the claim. This change in claim format was make in order to make it clear that the applicant's invention is relevant to a system that is switched from audio mode to VBD mode.

The system described in the Helm reference uses a field in the IP packet header to convey information concerning the amount of congestion in a network through which packets are conveyed. As indicated in Figure 7 of the Helm reference (the figure that the examiner references), the size of the jitter buffer is set to a first value if the congestion bit is set to one value and the jitter buffer is set to a second value if the congestion bit is set to a different value.

There is no discussion in the Helm reference of switching from audio mode to VBD mode. Furthermore there is no discussion of setting the size of the jitter buffer in VBD mode dependent on the size of the jitter buffer in audio mode.

Applicant's claim 1, for example, recites:

- (1) "setting the length of the play-out buffer in a gateway when the gateway switches from audio mode to voice band data (VBD) mode by;"
- (2) "detecting the previous length of the play-out buffer in the previous audio mode, "
- (3) "adding a dilation factor to said previous length to obtain a new length" and
- (4) "setting said play-out buffer to said new length".

The above steps that relate to switching from audio mode to VBD mode are not shown or suggested in the Helm reference. Applicant's other independent claims have similar limitations. Therefore, reconsideration and allowance of claims Claims 1-4, 21, and 22 is respectfully requested.

Claims 1, 2, 7, 8, 11-14, and 21 were rejected under 35 U.S.C. § 102(a) as being anticipated by Lazarus US Patent Publication No. 20030206563, ("Lazarus"). Applicant respectfully requests withdrawal of this rejection for the following reasons:

The Lazarus reference describes a system for detecting a tone during a telephone call. The system shown in Lazarus is directed to changing the tone detection sensitivity under certain conditions. When a tone is detected "at least one characteristic is modified to optimize the link for the type of communication occurring". The Lazarus reference does mention "using a longer jitter buffer" in certain situations. There is no mention in the Lazarus reference of adding a "dilation factor" as is recited in each of applicant's claims.

The examiner states:

"The examiner maintains that the system must detect the length of the previous jitter buffer in the audio mode. If this werenot the case, the system would not know how

many memory units to add to change the buffer size from the short jitter buffer to the longer jitter buffer. The dilation factor of Lazarus is the difference between the short jitter buffer and the longer jitter buffer"

The Lazarus reference does not describe how the length of the buffer is determined when the system goes to fax mode. It merely says that fax mode uses a longer jitter buffer. In fact many prior art system have a short length jitter buffer used for voice calls and a longer jitter buffer is used for fax calls. Absent any discussion in Lazarus, one must assume that Lazarus uses the prior art technique of just having a certain longer value for a jitter buffer that is used for fax. There certainly is not suggestion in Lazarus that the length of the jitter buffer is determined by the technique recited in applicant's claims, that is, by:

- (1) "detecting the previous length of the play-out buffer in the previous audio mode, "
- (2) "adding a dilation factor to said previous length to obtain a new length" and
- (3) "setting said play-out buffer to said new length".

Instead, Lazarus merely has a particular longer length that is used for fax calls.

For the above reasons withdrawal of the rejection based on Lazarus is requested and allowance of claims 1, 2, 7, 8, 11-14, and 21 is respectfully requested.

In paragraph 5 of the Office Action claims 5, 6, 17, 18, and 23 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Lazarus as applied to claims 1, 13, 14, and 21 respectively, and further in view of Chan et al. US Patent No. 6,826,177, ("Chan").
Withdrawal of this rejection is respectfully requested for the reasons explained below.

Claims 5, 6, 17, 18, and 23 are dependent claims that incorporate all of the limitations of the above discussed independent claims. The discussion of the Lazarus reference above is also applicable to this rejection. The Chan reference relates to a loss concealment technique. The Chan reference does not relate to setting the length of a jitter buffer. Thus reconsideration and allowance of dependent claims 5, 6, 17, 18, and 23 is requested for the reasons discussed above relative to the independent claims on which these claims depend.

In paragraph 6 of the Office Action claims 5, 6, 9, 10, 17, 18, and 23 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Lazarus as applied to claims 1, 13, 14, and 21 respectively, and further in view of Chan et al. US Patent No. 6,826,177, ("Chan").
Withdrawal of this rejection is respectfully requested for the reasons explained above relative to the rejection of claims claims 5, 6, 17, 18, and 23 in paragraph 5 of the office action.

The examiner indicated that Claims 15, 16, 19, and 20 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent for including all of the limitations of the base claim and any intervening claims. Since as indicated above, the references do not show or suggest what is recited in applicant's independent claims, applicant submits that the dependent claims are allowable for the same reasons as explained above relative to the independent claims.

Conclusion and Summary: For the foregoing reasons, reconsideration and allowance of claims 1-23 is respectfully requested.

The Examiner is encouraged to telephone the undersigned at (503) 222-3613 if it appears that an interview would be helpful in advancing the case.

Respectfully submitted,

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